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OFFICE OF PETITIONS

BROOKS, CAMERON & HUEBSCH, PLLC
1221 NICOLLET AVENUE
SUITE 500
MINNEAPOLIS MN 55403

In re Application of	:	
Cragg et al.	:	
Application No. 08/461,402	:	DECISION ON PETITION
Filed: June 5, 1995	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: 94-	:	\$ 1.137(B)
P0273US02	:	
Title: BIFURCATED ENDOLUMINAL	:	
PROSTHESIS	:	

This is a decision on the petition filed September 5, 2012, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Ex Parte Quayle Office action, mailed July 6, 2009, which set a shortened statutory period for reply of two (2) months. An amendment was received on August 21, 2009 along with both a Request for Continued Examination (RCE) and the associated fee, a non-final Office action was mailed on January 19, 2010, a final Office action was mailed on July 8, 2010, a RCE along with an amendment and the associated fee were each filed on September 20, 2010, a non-final Office action was mailed on December 6, 2010, a final Office action was mailed on May 24, 2011, an amendment was received on June 30, 2011 along with a RCE and the associated fee, a non-final Office action was mailed September 7, 2011, and a response was received on November 30, 2011. On January 31, 2012, the Office mailed a letter which indicated that since this application is not eligible for RCE practice due to the filing date of this application, "the August 21, 2009 response is improper and is not entered and the January 19, 2010, July 8, 2010, December 6,

2010, May 24, 2011, and September 7, 2011 office actions are vacated."¹ Accordingly, the above-identified application became abandoned on August 7, 2009. A notice of abandonment was mailed on May 15, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further indicated that a continuation application has been filed. Office records confirm that continuation application no. 13/603,937 was filed on September 5, 2012.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.²

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application number 13/603,937.

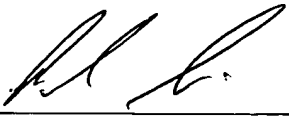
Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ All other inquiries

¹ Letter of January 31, 2012, page 2.

² See 37 C.F.R. § 1.137(d).

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is

concerning examination procedures should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read 'P. Shanoski', is written over a horizontal line.

Paul Shanoski
Senior Attorney
Office of Petitions

reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.